



OFFICE OF THE TOWN CLERK

**Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476**

**Telephone:
781-316-3070**

**Juliana H. Brazile
Town Clerk**

**Email:
TownClerk@town.arlington.ma.us**

ARTICLE 12

**ZONING BYLAW AMENDMENT/MBTA
COMMUNITIES OVERLAY DISTRICT**

Majority Vote Required
Motion: PASSED
ELECTRONIC VOTE
Yes: 189 No: 35

The language reflects amendments to the original motion

That Sections 2 and 5 of the Zoning Bylaw be and hereby are amended as follows:

Section 2: Definitions

Add the following definition:

As of Right Development: A development that may proceed under this Bylaw without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. It may, however, be subject to site plan review.

Add the following definition to the Definitions Associated with Dwelling:

Multi-family Housing: A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building, excluding Accessory Dwelling Units.

Add the following definition:

Overlay District: A zoning district that is applied over one or more previously established zoning districts. An Overlay District may establish additional or alternative requirements for properties in the Overlay District that are different than the requirements in the underlying zoning district.

Add the following definition:

Site Plan Review: A process established by this Bylaw by which the Arlington Redevelopment Board reviews and potentially imposes conditions on an As of Right Development that may include, but not be limited to, matters such as vehicle access and circulation on a site, architectural design of a building, and screening of adjacent properties, prior to the issuance of a building permit.

Section 5: District Regulations

Renumber Section 5.9 as Section 5.10 and add a new Section 5.9 as follows:

Section 5.9 Multi-Family Housing Overlay Districts Established Under Massachusetts General Laws Chapter 40A, Section 3A

5.9.1. Multi-Family Housing Overlay Districts

- A. The Multi-Family Housing Overlay Districts consist of two districts: the Massachusetts Avenue/Broadway Multi-Family (MBMF) Overlay District and the Neighborhood Multi-Family (NMF) Overlay District.
- B. The MBMF and NMF Overlay Districts do not replace existing underlying zoning districts but are superimposed over them. The provisions of Section 5.9 of this Bylaw apply to developments on parcels located within the MBMF and NMF Overlay Districts when the property owner has elected to comply with the requirements of the MBMF Overlay District or NMF Overlay District, as applicable, rather than comply with those of the existing underlying zoning district. In other words, a development may comply with either the existing underlying zoning or the zoning for the applicable Overlay District, but not both on the same parcel or parcels.
- C. If a proposed development is located on a parcel or parcels within both the MBMF and the NMF Overlay Districts, the provisions of the MBMF Overlay District shall apply to the property in the MBMF Overlay District and for a maximum of one parcel depth into the NMF Overlay District. If a proposed development is located on a parcel or parcels only partially within the MBMF or NMF Overlay Districts, the provisions of the existing underlying zoning shall apply and not of the Overlay Districts.

5.9.2. Purposes

The purposes of the Multi-Family Housing Overlay Districts are:

- A. To respond to the local and regional need for housing by enabling development of a variety of housing types,
- B. To respond to the local and regional need for affordable housing by allowing for a variety of housing types with affordable housing requirements,
- C. To promote multi-family housing near retail services, offices, civic, and personal service uses, thus helping to ensure pedestrian-friendly development by allowing higher density housing in areas that are walkable to shopping and local services,
- D. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation,
- E. To encourage environmental and climate protection sensitive development,
- F. To encourage economic investment in the redevelopment of properties,

- G. To encourage residential uses to provide a customer base for local businesses, and
- H. To ensure compliance with MGL c. 40A § 3A.

5.9.3 Site Plan Review

Development under Section 5.9 of this Bylaw requires Site Plan Review by the Arlington Redevelopment Board (ARB). The ARB shall provide site plan review for projects using the Environmental Design Review standards set forth in Section 3.4.4. of this Bylaw, the Residential Design Guidelines, and other Guidelines that may be adopted. Site plan review may include, but not be limited to, site layout, including lighting, landscaping and buffers, architectural style, outdoor amenities, and open spaces. All site plan reviews applicable to developments under Section 5.9 shall be consistent with the purposes of Section 5.9 and with MGL c.40A § 3A, and any Compliance Guidelines issued thereunder, as amended.

5.9.4. Development Standards

- A. Development meeting the requirements of Section 5.9 of this Bylaw is As of Right Development, subject to Site Plan Review as set forth in Section 5.9.3 of this Bylaw.
- B. Development under Section 5.9 of this Bylaw shall be only Multi-family Housing except for the mixed-use bonus option in Section 5.9.4.E.(1) of this Bylaw.
- C. Accessory uses for residential uses are permitted to the same extent they would be allowed in the underlying district.
- D. Dimensional Requirements

The requirements of Section 5.3 of this Bylaw that are applicable in all districts, including the requirements in Section 5.3.17 for Upper-Story Building Step Backs, are applicable in the Multi-Family Overlay Districts except to the extent that they are specifically modified by Section 5.9 of this Bylaw.

The dimensional requirements of Section 5.3 of this Bylaw and the tables of dimensional and density regulations of this Bylaw are modified as follows for developments under Section 5.9 of this Bylaw:

- 1) Section 5.3.1 Lot Area Per Dwelling Unit does not apply.
- 2) Section 5.3.3 Spacing of Residential and Other Buildings on One Lot does not apply.
- 3) Section 5.3.8 Corner Lots and Through Lots does not apply.
- 4) Section 5.3.11 Dimensional Requirements for Courts does not apply.
- 5) Section 5.3.12(A) Traffic Visibility Across Street Corners applies only in the NMF Overlay District.
- 6) Section 5.3.14 Townhouse Structures does not apply.
- 7) Section 5.3.19 Height Buffer Area shall apply to six-story high buildings only.

- 8) There are no requirements for minimum lot size, lot area per dwelling unit, lot frontage, landscaped or usable open space, Floor Area Ratio, or lot coverage.
- 9) Section 5.3.10 Average Setback Exception to Minimum Front Yard: All R Districts, shall be applied in the NMF District.
- 10) Except as noted in Section 5.9.4.E. Bonuses, the dimensional requirements are as follows:

<u>District</u>	<u>MBMF on Mass Ave</u>	<u>MBMF on Broadway</u>	<u>NMF</u>
<u>Max Height in Stories</u>	<u>4</u>	<u>4</u>	<u>3</u>
<u>Max Height in Feet</u>	<u>52'</u>	<u>52'</u>	<u>35'</u>
<u>Minimum Front Yard Setback</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
<u>Minimum Side Yard Setback</u>	<u>5' each side</u>	<u>5' each side</u>	<u>Each side: minimum 5'; sum of two sides: minimum 20'</u>
<u>Minimum Rear Yard Setback</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>

Required minimum front yard setback areas shall be available for uses such as trees, landscaping, benches, tables, chairs, play areas, art, or similar features. No parking spaces are allowed in the required minimum front yard setback.

E. Bonuses

- 1) In the MBMF Overlay District, for properties abutting Massachusetts Avenue, where the ground floor at street level will be at least 60% occupied by eating and drinking establishments, businesses services, childcare, or retail uses, there are no residential units on the ground floor at street level, the second floor may be at least 40% occupied by eating and drinking establishments, businesses services, childcare, health, business, professional, or medical services, and the frontage on the ground floor is at least 80% occupied by said non-residential uses, the maximum height is 6 stories and 78 feet, and the front yard setback requirement is reduced to 0 feet. In the MBMF Overlay District, for properties abutting Broadway, where the ground floor at street level will be at least 60% occupied by eating and drinking establishments, businesses services, childcare, or retail uses, there are no residential units on the ground floor at street level, and the frontage is at least 80% occupied by said non-residential uses, the maximum height is 5 stories and 65 feet, and the front yard setback requirement is reduced to 0 feet.
- 2) In the MBMF Overlay District, one additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements of this Bylaw for a total of at least 22.5% of all units. In the MBMF Overlay District for properties facing Massachusetts Avenue, a second additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements of this Bylaw for a total of at least 25% of all units.
- 3) In the MBMF Overlay District, one additional story may be added for projects that are

minimum LEED Gold certified or equivalent level of an alternate green building standard reviewed and approved by the Redevelopment Board.

- 4) The height with all bonuses shall not exceed 6 stories, 78 feet in the MBMF Overlay District on Massachusetts Avenue, 5 stories, 65 feet in the MBMF Overlay District on Broadway, and 3 stories, 35 feet in the NMF Overlay District.

F. Off-Street Parking and Bicycle Parking

- 1) The off-street parking requirements and procedures of Sections 6.1 to 6.1.11 of this Bylaw shall apply in the MBMF and NMF Overlay Districts except:
 - a. up to 50% of parking spaces may be sized for compact cars (as described in Section 6.1.11. Parking and Loading Space Standards) and
 - b. No off-street parking is required for non-residential uses.
- 2) Developments in the MBMF and NMF Overlay Districts are encouraged to consider providing fewer parking spaces under the provisions of Section 6.1.5. of this Bylaw, Parking Reduction in Business, Industrial, and Multi-Family Residential Zones, which shall apply in the MBMF and NMF Overlay Districts.
- 3) The bicycle parking requirements and procedures set forth in Section 6.1.12 shall apply in the MBMF and NMF Overlay Districts.

G. Affordable Housing

Section 8.2 of this Bylaw, Affordable Housing Requirements, shall apply to any development under Section 5.9 of this Bylaw containing six or more dwelling units. Until the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) approves using the requirements of Section 8.2 for housing built under Section 5.9 of this Bylaw, the affordability requirements are those allowed in the EOHLC Compliance Guidelines for Chapter 40A, Section 3A: that ten percent of the dwelling units shall be affordable, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income, or such other applicable Guidelines as EOHLC shall issue.

H. Solar Energy Systems

The requirements and procedures of Section 6.4 of this Bylaw, Solar Energy Systems, shall apply in the MBMF Overlay District, with Site Plan Review in the place of Environmental Design Review.

I. Signs

For Section 6.2 of this Bylaw, Signs, the Multi-Family Housing Overlay Districts are placed in these sign districts:

- 1) The NMF Overlay District is in the Residential Sign District.
- 2) The MBMF Overlay District is in the Residential/Business Sign District if the building is solely residential.

- 3) The MBMF Overlay District is in the Business Sign District if the building is mixed-use.

I certify that the foregoing is a true account of the action taken under Article 12 of the Special Town Meeting on 10/25/2023.

Juliana H. Brazile
Town Clerk



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ARTICLE 3

**ZONING BYLAW AMENDMENT / AMENDMENT OF
ZONING MAP ADOPTING THE MULTI-FAMILY
HOUSING OVERLAY DISTRICTS AND
AMENDMENT OF ZONING BYLAW**

Majority Vote Required
Motion PASSED
ELECTRONIC VOTE
Yes: 180 No: 36

Voted: That the Town does and hereby amends its Zoning Map so that the new Sections 4.1.2 and 4.2 read as follows:

4.1.2 Overlay Districts

- (1) Floodplain District
- (2) Inland Wetland District
- (3) Multi-Family Housing Overlay Districts

4.2 ZONING MAP

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington, MA" and dated ~~November 16, 2020~~ May 14, 2021 (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including ~~an overlay map entitled "Wetland and Floodplain Overlay"~~ all Overlay Districts listed in Section 4.1.2 of this bylaw, are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

Note: A parcel listing reflecting all properties included in the Multi-Family Housing Overlay Districts is attached hereto as Exhibit "C."

I certify that the foregoing is a true account of the action taken under Article 3 of the Special Town Meeting on 5/8/2024.

**Juliana H. Brazile
Town Clerk**